

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GREGORY LASKY,

Plaintiff,

v.

THE DOUBLETREE GROUP LLC and
CVS PHARMACY, INC.,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §1441. *et seq.*, Defendant CVS Pharmacy, Inc. (“CVS”), through counsel, hereby removes this action from the Superior Court of New Jersey, Gloucester County to the United States District Court for the District of New Jersey. The grounds for removal are as follows:

1. Pursuant to L. Civ. R. 10.1(a), Plaintiff Gregory Lasky is an individual residing at 20 South Main Street, Glassboro, New Jersey 08028. Upon information and belief, Defendant The Doubletree Group LLC is a New Jersey limited liability company with an office at Suite 200, 17000 Horizon Way, Mt. Laurel, New Jersey 08054. CVS is located at 1054 Cass Avenue, Woonsocket, Rhode Island 02895.

2. On February 12, 2019, Plaintiff Gregory Lasky commenced this action against Defendant The Doubletree Group LLC by filing a Complaint in the Superior Court of New Jersey, Gloucester County, GLO-L-207-19. A true and correct copy of the Complaint is attached to this Notice as *Exhibit A*.

3. Plaintiff filed an Amended Complaint on April 29, 2019, adding CVS as a Defendant. A true and correct copy of the Amended Complaint is attached to this Notice as *Exhibit B*.

4. CVS waived service of the Amended Complaint on May 2, 2019.

5. CVS is filing this Notice within thirty days after receipt of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based as allowed by 28 U.S.C. § 1446(b).

6. Plaintiff filed the Complaint in Gloucester County, New Jersey, therefore, venue is proper in the United States District Court for the District of New Jersey.

7. None of the Defendants have filed a responsive pleading to the Complaint.

8. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over a civil action arising under the laws of the United States.

9. Any civil action filed in a state court over which a federal district court would have original jurisdiction shall be removable by a defendant to the district court of the United States for the district and division where the action is pending pursuant to 28 U.S.C. § 1441(a).

10. Defendant The Doubletree Group LLC has not yet entered an appearance or filed an answer to either the Complaint or the Amended Complaint.

11. On or about April 4, 2019 and April 24, 2019, counsel for CVS emailed “John,” at “Jp3@ic-re.com,” a representative of Defendant The Doubletree Group LLC, the owner and landlord of the property, regarding this lawsuit. CVS did not receive a response to either email.

12. On May 29, 2019, CVS called John a representative of Defendant The Doubletree Group LLC, at telephone number (856) 439-9200 to seek its consent to removal pursuant to 28 U.S.C. § 1446(b)(2)(A). On that call, John stated that it would forward CVS’s counsel’s contact

information to its attorney. At the time of this filing, CVS has not heard from Defendant The Doubletree Group LLC or its attorney.

13. Plaintiff alleges he is disabled. *Exhibit B* at ¶ 1. Defendant The Doubletree Group LLC is the landlord of the property located at 1050 Delsea Drive, Glassboro, New Jersey. *Id.* at ¶ 2. CVS is the tenant of the property. *Id.* Plaintiff alleges Defendants violated the Americans with Disabilities Act of 1990 (“ADA”), as amended by the ADA Amendments Act of 2008 (“ADAAA”), 42 U.S.C. §§ 12101 to 12213, and the New Jersey Law Against Discrimination (“NJLAD”) N.J.S.A. 10:5-1 to 10:5-49, as a result of the lack of accessibility at the property to parking, access routes, bathrooms, and aisles. *Id.* at ¶ 3.

14. Plaintiff’s state-law claim necessarily raises a significant federal issue, actually disputed and substantial, such that the case warrants federal question jurisdiction.

15. Based on the foregoing, the United States District Court for the District of New Jersey has jurisdiction without respect to the amount in controversy or the citizenship of the parties pursuant to 28 U.S.C. § 1331.

16. Accordingly, Plaintiff’s Complaint is properly removed to the United States District Court for the District of New Jersey.

17. A true and correct copy of this Notice of Removal is being filed in the Superior Court of New Jersey, Gloucester County pursuant to 28 U.S.C. § 1446. *See Exhibit C*, Notice of Filing of Notice of Removal (without additional exhibits).

18. Written notice of the filing of this Notice of Removal will be served on all parties pursuant to 28 U.S.C. § 1446.

19. This Notice of Removal is filed subject to and without waiver of any rights CVS may have with respect to Plaintiff’s claims.

WHEREFORE, pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, CVS respectfully requests that Plaintiff's civil action be removed from the Superior Court of New Jersey, Gloucester County, to the United States District Court for the District of New Jersey.

Respectfully submitted,

SAUL EWING ARNSTEIN & LEHR LLP
A Delaware LLP

/s/ Ruth A. Rauls

Ruth A. Rauls, Esq.

Gillian A. Cooper, Esq.

650 College Road East, Suite 4000

Princeton, New Jersey 08540

T: (609) 452-3100

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Ruth.Rauls@saul.com

Gillian.Cooper@saul.com

Dated: May 29, 2019

Exhibit A

Gloucester County Sheriff's Office
PROCESS SERVICE ORDER

Sheriff's # **19000479**

Person/Corporation Served

The Doubletree Group LLC d/b/a CVS Glassboro

1050 Delsea Dr.
GLASSBORO NJ 08028

Defendant The doubletree Group LLC d/b/a CVS In Glassboro

RECEIVED THIS WRIT
GLOUCESTER COUNTY
SHERIFF'S OFFICE

March 11, 2019 AT 10:00 am

By _____
CLERK

I hereby depute and appoint

to execute the within writ.

Witness by hand and seal this day March 12, 2019.

Carmel M Morina
Sheriff

SUMMONS

Attorney(s) Anthony J. Brady Esq.Office Address 1 Rose Rd.Town, State, Zip Code Maple Shade NJTelephone Number 361 603-6387

Attorney(s) for Plaintiff _____

Laskey Gregory

Plaintiff(s)

vs.

The Doubletree Group LLCd/b/a CVS Glassboro

Defendant(s)

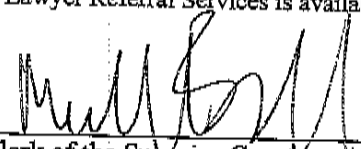
Superior Court of
New JerseyGloucester CountyLaw Div. DivisionDocket No: GLO-L-00207-19CIVIL ACTION
SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.


Clerk of the Superior Court

DATED: _____

Name of Defendant to Be Served: _____

Address of Defendant to Be Served: _____

ANTHONY J. BRADY, JR., ESQUIRE
1 Rose Avenue
Maple Shade, New Jersey 08052
(561)603.6387
Attorney for Plaintiffs
Bar Number 044541984

GREGORY LASKY, Plaintiffs, vs. THE DOUBLETREE GROUP LLC d/b/a CVS Glassboro. Defendant(s).	SUPERIOR COURT OF NEW JERSEY GLOUSTER COUNTY LAW DIVISION DOCKET NO.: GLO - <i>00207</i> 19. Civil Action PLAINTIFF'S COMPLAINT
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Plaintiff, Gregory Lasky ("Lasky"), residing at 20 South Main St, Glassboro Gloucester County, New Jersey, 08028

FIRST COUNT

1. Plaintiff Lasky is disabled and uses a wheelchair.
2. Defendant is the landlord/tenant and or operator of a property, which is located at 1050 Delsea Dr. Glassboro, Gloucester County, New Jersey. Said property is a pharmacy.
3. Plaintiff Lasky has been a patron of Defendant on numerous occasions including February 11, 2019. His ability to utilize Defendant's services has been impaired as a result of the lack of accessibility to Plaintiffs and the disabled as a whole. Specifically: the parking and access routes; bathrooms are not properly accessible, without an accessible route.
4. The lack of access is a violation of the New Jersey Law Against Discrimination (LAD) and the federal Americans with Disabilities Act.

5. Plaintiff Lasky intends to return to the pharmacy, both, as a patron and tester. Therefore, seeks an injunction.
6. Plaintiff Lasky sustained anger and emotional distress as a result of the discrimination.

WHEREFORE, Plaintiff Lasky demands judgment for:

- 1) Damages.
- 2) Injunctive relief.
- 3) Attorney fees.
- 4) Costs of suit

Dated: February 11, 2019.

s/ Anthony J. Brady Jr.

ANTHONY J. BRADY, JR., ESQUIRE
Attorney for Plaintiffs

CERTIFICATION

I further certify pursuant to Rule 4:5-1, that this matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding nor any other action or arbitration proceeding contemplated.

Further, the Plaintiffs are not aware of any other parties that should be joined in said matter.

Dated: February 11, 2019.

s/ Anthony Brady Jr.

ANTHONY J. BRADY, JR., ESQUIRE
Attorney for Plaintiffs

Exhibit B

ANTHONY J. BRADY, JR., ESQUIRE
1 Rose Avenue
Maple Shade, New Jersey 08052
(561)603.6387
Attorney for Plaintiffs
Bar Number 044541984

GREGORY LASKY, Plaintiffs, vs. THE DOUBLETREE GROUP LLC, and CVS Pharmacy, Inc. Defendant(s).	SUPERIOR COURT OF NEW JERSEY GLOUSTER COUNTY LAW DIVISION DOCKET NO. : GLO -000207-19. Civil Action PLAINTIFF'S COMPLAINT
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Plaintiff, Gregory Lasky ("Lasky"), residing at 20 South Main St, Glassboro Gloucester County, New Jersey, 08028.

FIRST COUNT

1. Plaintiff Lasky is disabled and uses a wheelchair.
2. Defendants' THE DOUBLETREE GROUP LLC d/b/a CVS Glassboro and CVS Pharmacy, Inc is the landlord/tenant and or operator of a property located at 1050 Delsea Dr. Glassboro, Gloucester County, New Jersey. Said property is a pharmacy.
3. Plaintiff Lasky has been a patron of Defendant's facility on numerous occasions including February 11, 2019. His ability to utilize Defendant's services has been impaired as a result of the lack of accessibility to Plaintiffs and the disabled as a whole. Specifically: the parking and access routes; bathrooms are not properly accessible, without a proper accessible route. In addition the aisles to the bathroom and merchandize aisle are blocked by boxes.
4. The lack of access is a violation of the New Jersey Law Against Discrimination (LAD) and the federal Americans with Disabilities Act.

5. Plaintiff Lasky intends to return to the pharmacy, both, as a patron and tester. Therefore, seeks an injunction.

6. Plaintiff, Lasky sustained anger and emotional distress as a result of the discrimination.

WHEREFORE, Plaintiff Lasky demands judgment for:

- 1) Damages.
- 2) Injunctive relief.
- 3) Attorney fees.
- 4) Costs of suit

SECOUNT COUNT

7. Plaintiff repeats the allegations of the first complaint.

8. Defendant THE DOUBLETREE GROUP LLC is the owner operator of a property which is the Pancheros Mexican Grill which is a restaurant located at 1058 Delsea /drive Glassboro, New Jersey

9. Plaintiff Lasky has been a patron of Defendant on numerous occasions including April 14, 2019.

His ability to utilize Defendant's services has been impaired as a result of the lack of accessibility to Plaintiffs and the disabled as a whole. Specifically: the parking and access routes.

2019. His ability to utilize Defendant's services has been impaired as a result of the lack of accessibility to Plaintiffs and the disabled as a whole. Specifically: the parking and access routes.

10. The lack of access is a violation of the New Jersey Law Against Discrimination (LAD) and the federal Americans with Disabilities Act.

11. Plaintiff Lasky intends to return to the restaurant, both, as a patron and tester. Therefore, he seeks an injunction.

12. Plaintiff Lasky sustained anger and emotional distress as a result of the discrimination.

WHEREFORE, Plaintiff, Lasky demands judgment for:

- 5) Damages.
- 6) Injunctive relief.
- 7) Attorney fees.
- 8) Costs of suit

THIRD COUNT

13. Plaintiff repeats the allegations of the first and second count.
14. Defendant THE DOUBLETREE GROUP LLC is the owner operator of a property which is called Varizon which is a store located at 1058 Delsea /drive Glassboro, New Jersey.
15. Plaintiff Lasky has been a patron of Defendant on numerous occasions including April 14, 2019.
- His ability to utilize Defendant's services has been impaired as a result of the lack of accessibility to Plaintiffs and the disabled as a whole. Specifically: the parking and access routes.
16. The lack of access is a violation of the New Jersey Law Against Discrimination (LAD) and the federal Americans with Disabilities Act.
17. Plaintiff Lasky intends to return to the store, both, as a patron and tester. Therefore, seeks an injunction.
18. Plaintiff, Lasky sustained anger and emotional distress as a result of the discrimination.

WHEREFORE, Plaintiff Lasky demands judgment for:

- 9) Damages.
- 10) Injunctive relief.
- 11) Attorney fees.

12) Costs of suit

Dated: April 28, 2019.

s/ Anthony J. Brady Jr.

ANTHONY J. BRADY, JR., ESQUIRE
Attorney for Plaintiffs

CERTIFICATION

I further certify pursuant to Rule 4:5-1, that this matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding nor any other action or arbitration proceeding contemplated.

Further, the Plaintiffs are not aware of any other parties that should be joined in said matter.

Dated: April 28, 2019.

s/ Anthony Brady Jr.

ANTHONY J. BRADY, JR., ESQUIRE
Attorney for Plaintiffs

Exhibit C

SAUL EWING ARNSTEIN & LEHR LLP

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Gillian.Cooper@saul.com

GREGORY LASKY,

Plaintiff,

v.

THE DOUBLETREE GROUP LLC and
CVS PHARMACY, INC.,

Defendants.

Superior Court of New Jersey
Law Division
Gloucester County

Docket No. GLO-L-207-19

Civil Action

**NOTICE OF FILING OF
NOTICE OF REMOVAL**

To: Clerk of the Court
Superior Court of New Jersey
Gloucester County
1 North Broad Street
Woodbury, New Jersey 08096

Anthony J. Brady, Jr., Esq.
1 Rose Avenue
Maple Shade, New Jersey 08052
Attorney for Plaintiff

InterState Commercial/The Doubletree Group LLC
Attn: John
14000 Horizon Way, Suite 100
Mount Laurel, New Jersey 08054
Defendant The Doubletree Group LLC

PLEASE TAKE NOTICE that on May 29, 2019, Defendant CVS Pharmacy, Inc. filed a
Notice of Removal of this action from the Superior Court of New Jersey, Gloucester County, to

the United States District Court for the District of New Jersey. A true and correct copy of that filing is attached hereto as Exhibit 1.

Pursuant to 28 U.S.C. § 1446(d), the Superior Court shall proceed no further unless and until this action is remanded.

Respectfully submitted,

SAUL EWING ARNSTEIN & LEHR LLP
A Delaware LLP

/s/ Ruth A. Rauls

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Gillian.Cooper@saul.com

Dated: May 29, 2019